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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF WASHINGTON**

9 UNITED STATES OF AMERICA

10 Plaintiff,

11 vs.

12 PAULA CANTU-LOPEZ,

13
14 Defendant(s).

) Case No. 1:CR-22-2041-SAB- 2

) DEFENDANTS REVIEW OF
) PRESENTENCE REPORT
) AND SENTENCING
) MEMORANDUM

15
16
17 **MOTION**

18 COMES NOW the defendant, Paula Cantu-Lopez, through her attorney, Ulvar
19 Klein, and hereby submits the following objections to the presentence investigation
20 report and sentencing memorandum.

21
22 Paula Cantu Lopez was convicted by a jury. She disagrees with the verdict.
23 The defense continues to argue that insufficient evidence of specific actions of this
24 defendant was ever presented to the jury to convict on these crimes. The court's
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1 pretrial ruling restricting accomplice liability arguments by the government should
2 have effectively precluded the defendant's convictions in this case. As of now the
3 defense motion to dismiss the charges is still under advisement with the court.
4

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6 As to the presentence investigation report, the defense objects to being labeled
7 Half Caucasian. (page 3 Race). She is Hispanic.
8

9 The defense objects to any reference in the presentence report The Offense
10 Conduct portion that was not directly taken from testimony. The defense further
11 objects to any inference, finding or conclusion that sufficient evidence exists to
12 support these convictions.
13

14 The defense objects to the conclusion that she has *failed* to accept
15 responsibility. (paragraph 24). The defense submits that Paula Cantu Lopez cannot
16 recall the events in question and that insufficient evidence ever suggested that she
17 was guilty of such serious charges. The defense asserts that expecting her to accept
18 responsibility in the face of these ill-fitting charges without any memory of events is
19 unfair and should not be penalized.
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22 The defense objects to the offense calculation at paragraph 29 that adds 4
23 points for her infliction of serious bodily injury. The testimony seems clear that
24 Sundrun Miller inflicted that damage by himself. A 2 level increase for bodily injury
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1 instead of serious bodily injury may still apply to her other behavior, but even that is
2 not well supported.

3 The defense objects to a 4 point increase at paragraph 30 alleging an abduction
4 as part of the crime. According to the government's theory, the crime of carjacking
5 occurred in this case when the victim fled on foot after being assaulted by Sundrun
6 Miller. Prior to that point she had been driven to her own home in her own vehicle.
7 That driving conduct preceded the assault and possible carjacking by Sundrun Miller.
8
9

10
11 The Defendant's life has been crippled by her addictions which have led to her
12 moderate and essentially non-violent criminal history. Notably, she has never been to
13 prison.
14

15 At the time of her arrest in this case she was completely in the thralls of her
16 addiction. She woke up in jail unable to recall what led to her arrest or what she had
17 been doing for the past several weeks. At the jail she was in agony. She withdrew
18 into herself and distanced herself from all family and friends. Early on in this
19 representation defense counsel had to move to withdraw as Paula refused any efforts
20 to get her to come out of her cell or communicate with counsel. She would not even
21 engage in family contact, including possible visitation with her children. Thankfully,
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1 time has brought Paula out of that despair. She is now hoping for some semblance of
2 good news to help her move forward.

3 The testimony in this case convinced a jury that some specific action of Paula
4 Cantu Lopez caused serious bodily harm.

6 The testimony in this case convinced a jury that some specific actions of Paula
7 Cantu Lopez equated to the crime of carjacking.

9 The testimony in this case convinced a jury that the act of momentarily passing
10 a firearm to Sundron Miller by Paula Cantu Lopez equated to the crime of
11 brandishing a firearm during and in a crime of violence that she committed.

13 Where the parties were not charged as co-conspirators or properly indicted as
14 accomplices and where this defendant did not commit the serious physical assault
15 alleged these three verdicts seem nonsensical. Therefore, whatever sentence the court
16 imposes will feel heavy-handed and excessive.

18 Paula Cantu Lopez still has a desire to be the mother she so far she has failed to
19 be. Her only goal is to lead a sober life where she can still be involved in the growth
20 and development of her children. She hopes that it is not too late for her to try.



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/s Ulvar W. Klein

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CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notifications of such filing to AUSA Christopher J. Bridger and AUSA Michael Murphy

s/ Marcie Rivera

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